

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION STUDENT-  
ATHLETE CONCUSSION LITIGATION**

MDL No. 2492

Master Docket No. 1:13-cv-09116

**Judge John Z. Lee**

**Magistrate Judge M. David Weisman**

**JOINT MOTION FOR ENTRY OF REVISED SCHEDULE**

Settlement Class Representatives Derek Owens, et al. (“Plaintiffs”) and Defendant National Collegiate Athletic Association (the “NCAA,” and together with Plaintiffs, the “Parties”) respectfully request that the Court enter a revised schedule for the consideration of final approval of the Second Amended Class Action Settlement Agreement and Release and any requests for payment of attorneys’ fees and costs.<sup>1</sup> In support hereof, the Parties state as follows:

1. On July 2, 2018, the Parties moved the Court to reset the final approval hearing scheduled for August 16, 2018 to a date to be determined and to require an independent audit of the implementation of the direct notice portion of the Notice Program. See Joint Motion to Reset Date of Final Approval Hearing and Require Independent Audit (Dkt. #511).

2. On July 11, 2018, the Court held a status hearing and subsequently entered an Order in which it reset the date of the final approval hearing and ordered an independent audit of the direct notice portion of the Notice Program. See Minute Entry (Dkt. #514). The Court also set a status hearing for August 16, 2018 and ordered the Parties to submit a status report regarding the audit by August 10, 2018. See id.

<sup>1</sup> Unless otherwise defined, capitalized terms have the meaning ascribed to them in the Second Amended Settlement Agreement, which is Exhibit 1 to the joint motion for preliminary approval filed with the Court on May 20, 2016. See Second Am. Settlement Agt. (Dkt. #266-1).

3. On August 10, 2018, the Parties filed a joint status report regarding the audit and informed the Court that they had engaged Monument Economics Group (“MEG”) to conduct the audit of the direct notice portion of the Notice Program. See Joint Status Report on Independent Audit of Direct Notice Portion of the Notice Program (Dkt. #518).

4. On August 16, 2018, the Court held a status hearing. The Parties provided an update to the Court on the status of the audit, and the Court subsequently entered an Order requiring the audit to be completed by August 27, 2018. See Minute Entry (Dkt. #519). The Court set the next status hearing for September 12, 2018. Id.

5. On September 7, 2018, the Parties filed a joint status report informing the Court that MEG had completed the audit by August 27, 2018. See Joint Status Report on Independent Audit of Direct Notice Portion of Notice Program (Dkt. #521). The Parties attached as Exhibit 1 to their joint status report the audit report authored by MEG. See id.

6. In its audit report, MEG recommended that the Notice Administrator complete two additional follow-up steps to provide notice to even more potential Class Members. See Independent Audit of Direct Notice Portion of the Notice Program Summary Report (Dkt. #521-1). The Notice Administrator completed these two follow-ups on September 7, 2018.

7. Based on the work conducted by MEG and the Notice Administrator, there are a total of 6,575 records for which notice was inadvertently not sent or not re-mailed once returned as undeliverable (approximately 0.17% of the usable Settlement Class Member information provided by NCAA member institutions to the Notice Administrator) (“Remaining Settlement Class Members”).

8. The Notice Administrator has represented that once the Court has set a new schedule, the postcard notice and email notice will be mailed to the Remaining Settlement Class

Members within ten business days. After consulting with the Notice Administrator, the Parties propose that the postcard and background of the new email notices be pink.

9. Accordingly, the Parties propose the following schedule. First, other than a new date for the Fairness Hearing, the September 15, 2017 deadline to file objections or requests for exclusion contained in the Court's August 1, 2017 Minute Order (Dkt. #432) shall continue to apply to all Settlement Class Members except for Frostburg State University Settlement Class Members, Residual Settlement Class Members and the Remaining Settlement Class Members.

10. Further, other than a new date for the Fairness Hearing, (i) the January 16, 2018 deadline to file objections or requests for exclusion contained in the Court's November 13, 2017 Order (Dkt. #481) shall continue to apply to all Frostburg State University Settlement Class Members; and (ii) the June 8, 2018 deadline to file objections or requests for exclusion contained in the Court's March 9, 2018 Order (Dkt. #498) shall continue to apply to all Residual Settlement Class Members.

11. The Parties further propose that the following deadlines be set for the Remaining Settlement Class Members (i.e., those Settlement Class Members who will receive a pink postcard and/or pink email notice):

<b>Action</b>	<b>Proposed Date</b>
Postcard notices to be mailed to Remaining Settlement Class Members	By September 28, 2018
Deadline for Remaining Settlement Class Members to object to or opt out of the Settlement	December 7, 2018
Deadline for any objections or responses to the petitions for attorneys' fees and costs by Remaining Settlement Class Members	December 7, 2018

Action	Proposed Date
Notice Administrator shall file with the Court an amended Opt-Out List with an affidavit attesting to the completeness and accuracy thereof	December 19, 2018
Notice Administrator shall file an amended declaration with the Court concerning implementation of the Notice Program and other terms of the Settlement	December 19, 2018
Deadline for filing supplement to the Motion for Final Approval of the Settlement, or to otherwise respond to objections. <b><i>These filings will solely address objections made by the Remaining Settlement Class Members.</i></b>	December 19, 2018
Fairness Hearing	To be set by the Court for a date on or after January 15, 2019.

WHEREFORE, the Parties respectfully request that the Court enter the revised schedule set forth above and further request whatever over relief the Court deems appropriate.

Dated: September 7, 2018

Respectfully submitted,

By: /s/ Steve W. Berman (w/ consent)  
Settlement Class Counsel

By: /s/ Mark S. Mester  
Lead Counsel for Defendant  
National Collegiate Athletic  
Association

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**CERTIFICATE OF SERVICE**

I, Mark S. Mester, certify that on September 7, 2018, a true and correct copy of the forgoing JOINT MOTION FOR ENTRY OF REVISED SCHEDULE was filed through the CM/ECF system, which caused notice to be sent to all counsel of record.

*/s/ Mark S. Mester*

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